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	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
	09/747,660	12/22/2000	Stephen M. Smith	LAM2P216	9842	
	25920 7	7590 08/27/2002				
	MARTINE &	PENILLA, LLP		EXAMI	XAMINER	
	710 LAKEWA SUITE 170		[WINTER, C	WINTER, GENTLE E	
	SUNNYVALE	E, CA 94085		ART UNIT	PAPER NUMBER	
				1746	7	
		•		DATE MAILED: 08/27/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/747,660	SMITH ET AL.				
Office Action Summary	Examiner	Art Unit				
	Gentle E. Winter	1746				
The MAILING DATE of this communication Period for Reply	on appears on the cover sheet wit	th the correspondence address				
A SHORTENED STATUTORY PERIOD FOR F THE MAILING DATE OF THIS COMMUNICAT - Extensions of time may be available under the provisions of 37 (after SIX (6) MONTHS from the mailing date of this communicati - If the period for reply specified above is less than thirty (30) days - If NO period for reply is specified above, the maximum statutory	ON. CFR 1.136(a). In no event, however, may a relion. s, a reply within the statutory minimum of thirty	eply be timely filed v (30) days will be considered timely.				
 Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b). 						
Status						
1) Responsive to communication(s) filed or	_					
2a) This action is FINAL. 2b) ∑	_					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims	action					
4)⊠ Claim(s) <u>1-30</u> is/are pending in the application						
4a) Of the above claim(s) is/are with	indrawn from consideration.					
	☐ Claim(s) is/are allowed.					
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.	nd/or alastian requirement					
8)⊠ Claim(s) <u>1-30</u> are subject to restriction ar Application Papers	id/or election requirement.					
9) The specification is objected to by the Examiner.						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
11) The proposed drawing correction filed on	<u></u> '					
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the	ne Examiner.					
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for for	oreign priority under 35 U.S.C. §	119(a)-(d) or (f).				
a) ☐ All b) ☐ Some * c) ☐ None of:	·					
1. Certified copies of the priority docu	ments have been received.					
2. Certified copies of the priority docu	ments have been received in Ap	oplication No				
application from the Internation	 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
a) The translation of the foreign language provisional application has been received.						
15) Acknowledgment is made of a claim for do						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-94 3) Information Disclosure Statement(s) (PTO-1449) Paper N	18) 5) Notice of Ir	fummary (PTO-413) Paper No(s) Informal Patent Application (PTO-152) .				

Application/Control Number: 09/747,660

Art Unit: 1746

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-19, drawn to an apparatus, classified in class 134, subclass 157.
 - II. Claims 20-30, drawn to a method, classified in class 134, subclass 33.
- 2. Inventions of Group I and Group II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process. Specifically, the apparatus as claimed could be used as a spin coater.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to Albert S. Penilla on August 22, 2002 to request an oral election to the above restriction requirement, but did not result in an election being made.
- 5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gentle E. Winter whose telephone number is (703) 305-3403. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (703) 308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Gentle E. Winter

Examiner

Art Unit 1746

August 26, 2002

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 1700